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RUEHKA/AMEMBASSY DHAKA 0581
RUEHDBU/AMEMBASSY DUSHANBE 0839
RUEHIL/AMEMBASSY ISLAMABAD 4548
RUEHBUL/AMEMBASSY KABUL 2837
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SIPDIS

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TAGS: [PGOV](#) [PREL](#) [KTIP](#) [KCRM](#) [KWMN](#) [PHUM](#) [UZ](#)

SUBJECT: PRESIDENT KARIMOV SIGNS TIP CRIMINAL CODE
AMENDMENTS INTO LAW

REF: A. TASHKENT 987
[1](#)B. TASHKENT 900
[1](#)C. TASHKENT 769

[1](#)1. (U) Summary: On September 16 President Islam Karimov signed long-awaited criminal code amendments into law specifically criminalizing trafficking in persons and outlining stricter punishments of up to 12 years in prison for convicted traffickers. In adopting the amendments, the Government of Uzbekistan delivered on numerous promises it made over the past year and fulfilled a key step in the Tier 2 watchlist action plan. The amendments, the latest in a series of positive anti-trafficking in persons developments, were prominently reported in the state-controlled press and should be a valuable prosecutorial and symbolic tool in addressing TIP issues in Uzbekistan. End summary.

[1](#)2. (U) President Karimov signed a law on September 16 formally amending Uzbekistan's criminal code to include specific mention of trafficking in persons and establish clear criminal penalties. The draft law proposing the amendments was passed by the lower house of parliament (Oliy Majlis) on August 14 and the Senate on August 29. The new amendments appear in a revised version of Article 135 of the Criminal Code, which had already been regularly used to prosecute and punish traffickers, but in a round-about manner. Article 135 is now officially entitled "Trafficking in Persons" and formally defines and criminalizes various elements of human trafficking offenses.

[1](#)3. (U) The new version of Article 135 establishes a more specific definition of trafficking in person offenses by including the transfer and captivity of persons for exploitation as well as for taking human organs or tissues. The base punishment for first-time offenders is three to five years in prison. The punishment is increased to eight to twelve years behind bars for instances of trafficking two or more people, using force or threat, for repeated trafficking or recidivism, for conspiracy by a group, abuse of official position, or use of document fraud for getting a transplant. Very dangerous recidivists and members of organized criminal groups, or cases involving the death of trafficking victims, will also be punished with the most severe eight to twelve

year sentence. (Note: In the previous version of Article 135 the only sentence specified was three to five years in some circumstances. The possibility of prison terms greater than 10 years is especially significant because those sentenced to less than 10 years are eligible for amnesty in the Uzbek system; these tougher statutes should ensure that the most serious offenders serve time in jail. End note.)

¶4. (U) The new law also expands the definition of exploitation to include forced labor, slavery, servile status, or removing human organs or tissues, which will allow prosecution of trafficking-related crimes. The law also provides legal grounds to prosecute not only recruiters but also those who transfer, receive, and forcibly keep victims of trafficking. (Note: A translated copy of the new amendments will be forwarded to G/TIP. End note.)

¶5. (U) The passage of the criminal code amendments occurred exactly according to the timeframe promised by Uzbek officials (ref A). The amendments address an important legal gap that remained after the landmark law adopted in March that improved victim protection and prevention measures but did not affect prosecution. Passage of criminal code amendments was also a key item on the Tier 2 watchlist action plan that was developed for Uzbekistan pursuant to the 2008 Trafficking in Persons Report. Since the adoption of the March law Uzbekistan also made good on its promises to swiftly implement a national action plan and establish an inter-agency commission (ref B), and it unexpectedly adopted the United Nations Protocol on Trafficking in Persons (ref

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C).

¶6. (U) The passage of the criminal code amendments, like the other recent developments, was prominently reported on the front pages of major state-controlled newspapers. The media and the Ministry of Internal Affairs wasted no time demonstrating the effect of the new law, as on September 16 an article (from the Regnum News Agency and picked up by BBC Monitoring) reported that an Uzbek man from the city of Chirchiq was arrested for allegedly trafficking 33 Uzbek nationals to Almaty, Kazakhstan. Despite being promised monthly wages of between USD 600 - 700, the article reported that the Uzbek victims labored at a brick-making factory for up to six months without receiving any compensation. A Ministry of Internal Affairs spokesman was quoted as saying "now, in line with the new law, he cannot avoid punishment by merely paying a fine." The timing of this report and the statement was likely intended to demonstrate that the law will have teeth in the courtroom.

Comment:

¶7. (U) The positive momentum on the trafficking in persons issue continues in Uzbekistan, and the passage of the criminal code amendments is another major step in the right direction. The rapid legislative process demonstrated that the Government of Uzbekistan can get things done efficiently once the political will is in place, that is, when all relevant authorities are confident an issue is safe to address without repercussions. The result in this case is a clearer, stronger law to punish offenders for trafficking in persons that should prove to be a powerful prosecutorial and symbolic tool.

NORLAND